Remarks:

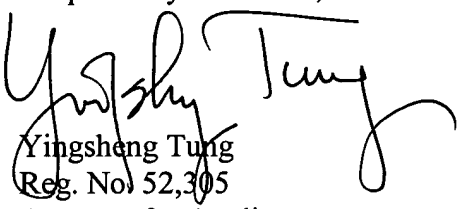
Applicants thank Examiner Thomas for the careful examination of this application and the clear explanation of the claim rejections, and for allowing claims 1-11 and conditionally allowing claims 17-22. In response, applicants amend claim 12 by incorporating into its claim 12 all limitations of a conditionally allowable claim 17. In addition, applicants add the limitation to claim 12 to limit the gate dielectric layer to have a contaminated top surface. The amended claim 12 thus includes limitations not disclosed in the Wu reference and is patentable over the Wu reference.

Claims 13-16 depend directly on now patentable claim 12 and is therefore patentable at least by virtue of their dependency.

Applicants amend claims 18, 20, 21, and 22 so they properly depend on claim 12.

In summary, applicants respectfully submit that this application, as amended, is in allowable form and all pending claims distinguish over the Wu reference. Applicants respectfully request further examination of this application and timely allowance of the pending claims.

Respectfully submitted,



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